



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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MEMORANDUM

DATE: March 29, 2016

TO: Circuit and District Judges
cc Circuit and District Court Administrators
Case Management System Vendors

FROM: Bobbi Morrow
Management Analyst

RE: Felony Reduced to Misdemeanor

Several courts have inquired about how to properly enter a felony case that is remanded to the district court for purposes of taking a misdemeanor plea. We have modified the Q & As on the Caseload Reporting System for both circuit (Disposition: Criminal) and district (Disposition: Criminal and Traffic) courts to clarify the proper procedure. Added text is indicated with underlining and deleted text is shown by strikeover.

Plea Taken in Circuit Court

~~Q. How is a case handled if the circuit court takes a plea on a misdemeanor and returns the case to district court for sentencing?~~

~~A. This is improper. The district court cannot report a "Plea" disposition it did not conduct. Either the case should be returned for a plea and sentencing in district court or the circuit court should sentence the defendant. In situations where the circuit court reduces a felony charge to a misdemeanor at plea, the sentencing must be done in the circuit court. The basis for this policy is [People v. Reid, 488 Mich. 917, 789 N.W.2d 492 \(Mich. Oct 27, 2010\) \(NO. 141597\)](#), which states that "[o]nce jurisdiction has properly attached (bindover), any doubt is resolved in favor of retaining jurisdiction."~~

After Bind Over, Felony Reduced to a Misdemeanor

Q. After bind over, the prosecutor offers to reduce the felony charge to a misdemeanor and the circuit court remands the case to the district court. How is this reported for caseload?

A. The circuit court reports the disposition of remand, and then returns the case to district court for adjudication and sentencing. The district court should re-open the original felony case and set aside the original disposition (not remove it) using the date the order was signed by the circuit court. The district court should then report the new disposition on the date that disposition occurred, and then handle the sentencing. The time that the case was with the circuit court does not count on the case age clock for the district court.

Q. After bind over, the prosecutor offers to reduce the felony charge to a misdemeanor and the circuit court does NOT remand the case to the district court. How is this reported for caseload?

A. The circuit court reports the disposition of guilty plea and must also handle the sentencing. The district court does not re-open the case or handle the sentencing. The basis for sentencing in circuit court is [People v. Reid, 488 Mich. 917, 789 N.W.2d 492 \(Mich. Oct 27, 2010\) \(NO. 141597\)](#), which states that "[o]nce jurisdiction has properly attached (bindover), any doubt is resolved in favor of retaining jurisdiction."

If you have questions, please feel free to contact me at TrialCourtServices@courts.mi.gov or 517-373-2173.